

**REMARKS/ARGUMENTS**

In response to the above-identified Office Action, claims 1-20 remain pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

The Examiner rejected: claims 1 and 6-8 under 35 U.S.C. 103(a) as being unpatentable over McCoy et al ("McCoy") in view of Gordon et al ("Gordon"); rejected claims 2-3 and 9-16 under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gordon and further in view of Valentine et al ("Valentine"); claims 4-5, 17-18, and 20 under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gordon and further in view of Allen et al ("Allen"); and claim 19 under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gordon and further in view of Allen and still further in view of Valentine. Applicant respectfully disagrees with the rejections.

The present invention provides a digital media distributor (DMD) with tunable control of digital media data transmission that includes a distribution network, a central site system, and a plurality of remote site systems. The central site system utilizes a plurality of designated control parameters, including uplink parameters, scheduler parameters, and storage parameters, for controlling distribution of digital media data. The plurality of remote site servers receive digital media data transmissions from the central site server via the distribution network according to the designated control parameters. In this manner, a plurality of control parameters are provided that allow tuning of distribution in a DMD according to particular transmission needs. The use of the control parameters enhances the flexibility of achieving optimal management of transmissions

from a central site to remote sites. More particularly, data storage, scheduling, and uplink components are tuned through the control parameters.

In rejecting the present invention, the Examiner cites McCoy as teaching a digital media distributor comprising a distribution network in the form of a satellite connection to at least one downlink facility and a central site system, where the central site system utilizes uplink parameters and scheduling parameters. The Examiner admits that McCoy fails to disclose a central site system utilizing storage parameters but points to Gordon's asset management system using a schedule manager for distributing assets in an interactive television system as evidence of the benefit of using highly customized asset management in a video distribution system for combination with McCoy. Applicant respectfully submits that the combination of McCoy and Gordon as cited by the Examiner fails to teach, show, or suggest the recited invention.

The cited art of McCoy does show transmission of multimedia content and control information from a central uplink facility to a remote downlink via a satellite. As the Examiner admits, the central uplink facility (i.e., the "central site system") is not disclosed as utilizing storage parameters. In fact, McCoy teaches that "one function performed by the downlink computer system is to select only the relevant and necessary portion of the transmitted data and discard the rest. Each remote downlink facility 106 thus receives and stores, for example, only the schedules and videos that will be used by that particular remote downlink facility 106." (col. 5, lines 18-23). Thus, McCoy specifically discloses that the so-called remote site controls what content gets selected and stored from the transmitted data. As such, for McCoy, the data is already transmitted and received by the remote site before storage considerations are made. Such activity not only does not disclose a central site utilizing storage parameters for controlling

distribution of digital media data (i.e., data that is yet to be received), it teaches away from such utilization.

With regard to Gordon, Gordon does discuss the use of a resource manager to control storage space utilization as a part of the asset management system of an interactive television operation center. However, even if McCoy was modified to include the asset management of Gordon "in order to save disk space and network bandwidth by copying or deleting assets based on their usage and priority", as asserted by the Examiner, Applicant respectfully submits that such a combination would not result in the recited invention, which utilizes storage parameters in a central site system. Rather, since the 'remote site' in McCoy controls whether the data that it receives is stored, Applicant respectfully submits that any form of asset management taught by Gordon would affect this control of content storage performed by the remote site. Applicant respectfully submits that there is nothing from this combination to teach, show, or suggest a central site system utilizing a plurality of designated control parameters as tunable limits, including uplink parameters, scheduler parameters, and storage parameters for tuning distribution of digital media data to the remote sites, as recited in varying form by the Applicant in independent claims 1 and 8. Accordingly, Applicant respectfully submits that independent claims 1 and 8 are allowable over the cited art.

Further, independent claims 17 and 18 each recite a method for controlling digital advertisement distribution from a central site to a remote site via a media network that establishes values for one or more of a set of scheduler control parameters in the central site, for one or more of a set of uplink control parameters in the central site, and for one or more of a set of storage control parameters in the central site, where the managing of distribution of digital advertisements to the remote sites is based on the established values, and the established values

provide tunable limits. Applicant reiterates that McCoy in view of Gordon fails to teach or suggest distribution from a central site to a remote site via a media network, as recited, and even the inclusion of ad insertion and distribution from Allen fails to overcome the deficiencies of McCoy in view of Gordon.

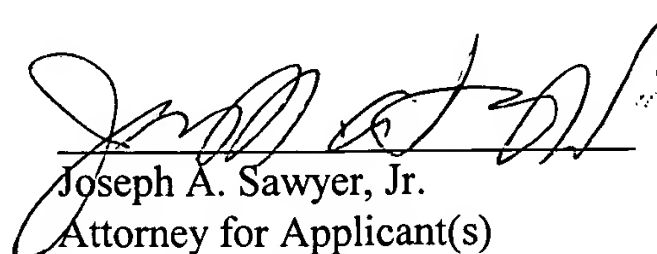
Additionally, the respective direct/indirect dependent claims 2-7, 9-16, and 19-20 include the features of an independent claim, while adding further features, and thus, these claims are also respectfully submitted as allowable over the cited art for at least those reasons stated hereinabove. Applicant further respectfully submits that the art of Valentine and/or Allen cited with regard to some of the dependent claims fails to overcome the deficiencies of McCoy in view of Gordon.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
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Date

  
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